



## DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 1.8.1	Subject: <b>VICTIM RIGHTS AND NOTIFICATION</b>
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 6
Section 8: Victims	Revision Date: Mar. 26, 2002; Oct. 29, 1999; May 12, 1998
Signature: /s/ Bill Slaughter	Effective Date: June 1, 1998

### I. POLICY:

It is the policy of the Department of Corrections to treat crime victims with respect, dignity and sensitivity, and to comply with applicable statutes and regulations regarding the notification of crime victims.

### II. IMPLEMENTATION:

This policy was revised without significant changes in content on March 26, 2002.

### III. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads  
41-5-1416, MCA. Victims and Witnesses of Juvenile Felony Offenses  
46-24-203, MCA. Prompt Notification to Victims and Witnesses of Certain Offenses  
46-24-212, MCA. Information Concerning Confinement  
46-24-213, MCA. General Requirements for Information  
53-1-203, MCA. Powers and Duties of Department of Corrections  
DOC 1.5.6, Offender Records Access and Release

### IV. DEFINITIONS:

**Advocacy** for the purpose of this policy means the act of writing, speaking or acting on behalf of crime victims.

**Crime Victims Advisory Council** means an advisory council comprised of victims, interested parties, and the Department Victim Information Specialist.

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**Facilitated Contact with Offender** means a mediation or counseling technique which brings together a victim and offender under the direction of a neutral facilitator. Typically the offender's offense is against property, and sessions may include family members or other supporters.

**Victim** for the purpose of this policy means a person, or family members of a person, against whom a crime has been committed.

**Victim Information and Notification Everyday (VINE)** means the free, 24-hour automated telecommunications system of the state of Montana- designed to receive and transmit telephone calls with movement information on adult offenders for the purpose of notifying victims.

**Victim Information Officer (VIO)** means a staff person from a facility, program or the Department, charged with providing informational and advocacy services for victims.

**Victim Information Specialist (VIS)** means the Department staff person from the Director's Office, charged with providing informational and advocacy services for victims.

## **V. PROCEDURES:**

### **A. Advocacy**

With the understanding that a victim may be an entity, a community or other significant person affected by the commission of a criminal offense, the Department will advocate on the behalf of crime victims by:

- C assisting victims in obtaining authorized information;
- C assisting victims in obtaining court-ordered restitution;
- C designating victim information officers;

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- C providing a staff liaison to the Department's Crime Victims Advisory Council;
- C assisting victims in facilitated contact with offenders, when appropriate;
- C training staff members to be responsive to victims issues and needs;
- C prompt notification of specified offender data as required by statute; and
- C ensuring victim representation on the Crime Victims Advisory Council.

B. Access to Information

Each facility/program will designate a Victim Information Officer who will establish and maintain a system capable of providing information regarding offenders, as authorized under 46-24-101, MCA, and as specified in Department policy 1.5.6, Offender Records Access and Release.

Such systems may include automated or manual victim notification systems. Victims must be given full access to authorized information within a reasonable period of time, as established by the system in place. Staff providing non-automated information will be properly trained to be responsive to victims' issues and needs.

C. Statutory Notification

46-24-212, MCA, provides for notification to a crime victim by the Department when an offender has been approved or is being considered for community activity, release or transfer, or if an escape has occurred. The Facility Administrator will ensure that if the crime victim has provided the Department a request for information concerning the confinement of an offender, staff will have a record of such notification and will provide prompt notification to the victim.

1. Notification Steps

If a victim has registered a request with the Department, the following notification steps will be adhered to:

- a. The central and offender case files will be annotated by records office staff in such a way as to clearly call to the attention of all staff processing releases and other covered activities that notification is required.

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- b. The Facility Administrator or designee shall designate a VIO who shall be responsible for victim notifications. All notifications will comply with the requirements in applicable policies and statutes.
- c. The central and offender case files will be annotated to reflect the following:
  - ℄ the date;
  - ℄ person(s) to be notified;
  - ℄ person performing the notification;
  - ℄ the information provided to the victim; and
  - ℄ a copy of any notification letter(s).
- d. The notification procedure requires the victim to register with the Department to be eligible for notification.

## 2. Appeal

The notification of victims is statutorily required under certain circumstances; therefore, offenders may not appeal any delay or other impairment of case decisions or actions caused by notification requirements or processing of notifications.

## D. Automated Victim Notification

The 1997 Legislature authorized the Department to use an automated victim notification system that offers victims and the public an additional mechanism for gaining access to the same information available through statutory notification. The Department shall ensure that all staff members are aware of the system and that appropriate staff members such as PIOs, VIOs, and probation and parole officers, can use, demonstrate and promote the use of the system to victims and the general public.

1. The Department's Automation Bureau will maintain the computer system in accordance with the vendor contract.
2. The VIS will ensure that VIOs have a procedure for entering escapes into the computer system in a timely and efficient manner.

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3. The VIS will maintain a system for promoting the existence of and the use of the VINE system to victims and the general public.

E. Crime Victims Advisory Council

The Crime Victims Advisory Council is responsible for helping the Department develop ways to establish a more effective relationship with crime victims that is responsive to their issues, needs and concerns. The Victims Information Specialist will function as the staff liaison to this council and provide Department support.

F. Facilitated Contact with Offenders

Victim/Offender Mediation provided by trained facilitators and Family Group Counselors are recognized techniques useful in victim healing and in assisting certain categories of offenders to gain a moral recognition of his or her criminal act. Victims, offenders or department staff may initiate a request for such sessions. If any one of these parties is not in agreement to participation in such sessions, the sessions will not occur.

G. Training

The Department Training Unit will encourage the inclusion of victim awareness issues in all training dealing with issues that may impact a victim. The Department may provide special training programs to ensure employees understand the importance of maintaining an awareness of victims in the course of conducting their duties. Training programs at the facility/program level will include interpersonal communication skills, policy requirements and education on sources of help and information provided to employees with victim contact. Victim/offender mediation training may be provided to select staff.

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H. Facility/Program Policy and Procedures

Each facility/program will have procedures specific to victim rights as it relates to their assigned responsibilities.

**VI. CLOSING:**

Questions concerning this policy should be directed to the Victim Information Officer at the facility/program or the Department Victim Information Specialist.